

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JONATHAN LEIGH HARDMAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00442

SOUTH CENTRAL REGIONAL JAIL, *et al.*,

Defendants.

ORDER

Pending before the Court is Plaintiff's Amended Complaint. (ECF No. 9.) By Standing Order entered in this case on August 8, 2021, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on March 18, 2022, recommending that this Court dismiss Defendant South Central Regional Jail as a defendant in this action as it is not a suable entity under the 42 U.S.C. § 1983 and the Eleventh Amendment. (ECF No. 11.) Additionally, Magistrate Judge Tinsley recommended dismissing Defendants John Does 1-4, as they are not state actors and, thus, not persons with respect to § 1983. (*Id.*)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's

order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on April 4, 2022. (ECF No. 11.) To date, Plaintiff has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 11), and **DISMISSES** Defendants South Central Regional Jail and John Does 1-4 as defendants. This matter remains referred to Magistrate Judge Tinsley.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 5, 2022



THOMAS E. JOHNSTON, CHIEF JUDGE